

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Notice of Intended Action

Proposing rule making related to state driver guidelines for state vehicle use and fueling and providing an opportunity for public comment

The Administrative Services Department hereby proposes to amend Chapter 103, “State Employee Driving Guidelines,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 8A.104, 8A.311, 17A.3 and 17A.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 8A.362 as amended by 2022 Iowa Acts, House File 2128, and Iowa Code sections 8A.360, 8A.360A, 8A.368 and 8A.369 as enacted by 2022 Iowa Acts, House File 2128.

Purpose and Summary

2022 Iowa Acts, House File 2128, addresses qualified renewable fuel use in state motor vehicles. It also outlines the purchasing requirements of state motor vehicles as those requirements relate to the qualified use of renewable fuels. The Department oversees the state’s fleet of vehicles. These proposed amendments comport with 2022 Iowa Acts, House File 2128. These proposed amendments also address a cleanup of language throughout Chapter 103 as part of the five-year review of rules pursuant to Iowa Code section 17A.7(2).

Fiscal Impact

It is impossible to determine the fiscal impact based on future fleet car usage and volume of fuel needed.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

The Department will not grant waivers under the provisions of these rules, other than as may be allowed under Chapter 9 under the Department’s rules concerning waivers.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 3, 2023. Comments should be directed to:

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Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend **11—Chapter 103**, title, as follows:

STATE EMPLOYEE DRIVING DRIVER GUIDELINES FOR STATE VEHICLE USE AND FUELING

ITEM 2. Amend rule 11—103.1(8A) as follows:

11—103.1(8A) Purpose. The purpose of this chapter is to provide ~~for the assignment of state motor vehicles and for~~ state driver guidelines for motor vehicle use, fleet assignments, maintenance, and fueling. The chapter also provides for the administration of a self-insurance program for motor vehicles owned by the state.

ITEM 3. Amend rule 11—103.2(8A) as follows:

11—103.2(8A) Definitions.

“*At-fault accident*” means an accident in which the state driver is determined to be 50 percent or more responsible for the accident.

“*Biodiesel blended fuel*” means the same as defined in Iowa Code section 214A.1.

“*Biofuel*” means the same as defined in Iowa Code section 214A.1.

“*Cargo payload*” means the net cargo weight transported. The weight of the driver, passengers, and fuel shall not be considered in determining cargo payload.

“*Cargo volume*” means the space calculated in cubic feet behind the vehicle driver and passenger seating area. In station wagons, the cargo volume is measured to the front seating area with the second seat laid flat behind the driver.

“*Defensive driving course*” means course instruction provided by the Iowa state patrol or other courses of instruction provided in person or online as approved by the director of the department.

“*Department*” means the department of administrative services (DAS).

“*Determination period*” means any 12-month period beginning January 1 and ending December 31.

“*Driver improvement course*” means course instruction provided by an Iowa community college.

“*Ethanol blended gasoline*” means the same as defined in Iowa Code section 214A.1.

“*Gross vehicle weight rating (GVWR)*” means the weight specified by the manufacturer as the loaded weight of a single vehicle.

“*Habitual ~~violation~~ violator*” means ~~that the person~~ a state driver who has been convicted of three or more moving violations committed within a 12-month period.

“*Passengers*” means the total number of vehicle occupants transported on a trip, including the driver.

“*Pool car*” means a vehicle assigned to the department of administrative services, fleet services.

“*Preventable accident,*” for purposes of this chapter, means an accident that could have been prevented or in which damage could have been minimized by proper evasive action.

“*Primary use*” means the utilized application exceeds 50 percent of the miles driven annually for United States Environmental Protection Agency (EPA)-designated light-duty trucks and vans and exceeds 75 percent of the miles driven annually for EPA-designated passenger sedans and wagons.

“*Private vehicle*” means any vehicle not registered to the state of Iowa.

“*Qualified renewable fuel*” means ethanol blended gasoline or biodiesel blended fuel that meets the standards and classifications for that type of motor fuel as provided in Iowa Code section 214A.2.

“*Special work vehicle*” means but is not limited to fire trucks, ambulances, motor homes, buses, medium- and heavy-duty trucks (~~25,999 lbs.~~ 26,000 lbs GVWR and larger), heavy construction equipment, and other highway maintenance vehicles, and any other classes of vehicles of limited application approved by the state vehicle dispatcher.

“*State driver*” means any person who drives a vehicle to conduct official state business other than a law enforcement officer employed by the department of public safety.

“*State vehicle*” means any vehicle registered to the state of Iowa, department of administrative services.

ITEM 4. Amend subrule 103.3(1) as follows:

103.3(1) *Agencies subject to vehicle assignment ~~standards~~ guidelines.* Pursuant to Iowa Code section 8A.362, the agencies listed below shall assign all vehicles within their possession, control, or use in accordance with the ~~standards~~ guidelines set forth in rule 11—103.4(8A). ~~The following agencies are subject to the vehicle assignment standards in rule 11—103.4(8A):~~

- a. The department, including all agencies required to obtain vehicles through the department;
- b. State department of transportation;
- c. Institutions under the control of the state board of regents;
- d. The department for the blind; and
- e. Any other state agency exempted from obtaining vehicles for use through fleet services.

ITEM 5. Amend subrule 103.3(2) as follows:

103.3(2) *Exceptions to vehicle assignment ~~standards~~ guidelines.* This rule shall not apply to special work vehicles, law enforcement vehicles and vehicles propelled by alternate fuels.

ITEM 6. Amend subrule 103.4(1) as follows:

103.4(1) In order to maximize the average passenger miles per gallon of motor vehicle fuel consumed, vehicles shall be assigned on the following basis:

- a. EPA-rated compact sedans ~~shall~~ may carry one or two passengers and their personal effects.
- b. EPA-rated midsize sedans or small sport utility vehicles shall carry three or more passengers and their personal effects.
- c. EPA-rated full-size sedans or midsize sport utility vehicles shall carry four or more passengers and their personal effects.
- d. to i. No change.

ITEM 7. Amend subrule 103.4(2) as follows:

103.4(2) Vehicles that are made available for temporary assignment, such as departmental pool vehicles, shall be assigned in accordance with this rule. If an appropriately classified vehicle is unavailable, a larger available classification may be substituted. Other substitutions may be authorized in consideration of passenger physical characteristics or disabilities or any other distinguishing circumstances and conditions as determined by the ~~state vehicle dispatcher,~~ fleet services manager, the

director of the department of transportation, or the executive director of the board of regents for the vehicles under their respective authorities.

ITEM 8. Amend rule 11—103.5(8A) as follows:

11—103.5(8A) Type of accident. The determination as to whether an accident is without fault, at fault, or preventable shall be made by the ~~risk department's fleet services manager of the department~~. In making this determination, the ~~risk fleet services manager~~ will consider all relevant information including information provided by the state driver and others involved in the accident, information provided by witnesses to the accident and information contained in any investigating officer's reports.

ITEM 9. Amend rule 11—103.7(8A) as follows:

11—103.7(8A) Required reporting. A state driver must report any potential liability, collision or comprehensive loss which occurs while conducting state business to the ~~risk department's fleet services manager of the department~~. The failure to report may result in payment of any loss from the funds of the state driver's employing agency rather than from the state self-insurance fund. All documentation, such as proof of required class completion and insurance coverage, must be provided to the ~~department risk department's fleet services manager~~.

ITEM 10. Amend rule 11—103.11(8A) as follows:

11—103.11(8A) Access to driving records. The department has the authority to monitor the ~~Iowa department of transportation driving record records of employees state drivers~~ who drive a state vehicle or a private vehicle to conduct state business.

ITEM 11. Amend subrule 103.12(2) as follows:

103.12(2) If a state driver is involved in any one of the following occurrences, the state driver will be suspended from driving a state vehicle for a period not to exceed one year and will be required to attend ~~a driver improvement course. The driver shall attend and successfully complete at the state driver's expense~~ the next available driver improvement course after one of the following occurrences. While the state driver is suspended from driving a state vehicle, the state driver ~~will~~ may be allowed to receive mileage reimbursement from the state of Iowa for driving a private vehicle for state business. In addition, a state driver involved in one of the following occurrences shall provide proof of insurance which meets the minimum standards required by the state of Iowa, department of transportation, and proof of completion of the driver improvement course.

a. to c. No change.

d. ~~Transporting~~ The state driver transports alcoholic beverages in the passenger compartment of a motor vehicle.

e. ~~Habitual violation of traffic laws.~~ The state driver is a habitual violator of traffic laws.

ITEM 12. Amend subrule 103.16(1) as follows:

103.16(1) Fuel used in state-owned automobiles may be purchased at cost from the various state installations or garages such as but not limited to those of the state department of transportation, state board of regents, department of human services, department of corrections, or state motor pools throughout the state. Fuel may also be purchased at retail locations if a state fueling facility is not readily available. When possible, purchases shall be made using a fuel purchase card issued by the department. The fuel purchase card shall not be used to purchase motor fuel other than the classification of fuel described in subrule 103.16(2).

ITEM 13. Amend subrule 103.16(2) as follows:

103.16(2) All drivers of state motor vehicles shall fuel their assigned vehicles operating using an internal combustion engine with self-service gasohol, a mixture of 10 percent ethanol and 90 percent gasoline (E10), unless under emergency circumstances. If the vehicle is capable of running on a blend of 85 percent ethanol and 15 percent gasoline, subrule 103.16(3) applies. the highest possible classification of a qualified renewable fuel if all of the following apply:

a. The manufacturer of the motor vehicle or the EPA expressly states that the classification of a qualified renewable fuel is compatible with the motor vehicle's normal operation.

b. That classification of a qualified renewable fuel is commercially available in the region where the motor vehicle is being operated.

c. No emergency situation exists that requires the immediate use of a motor fuel regardless of whether it has been blended with a biofuel.

ITEM 14. Amend subrule 103.16(3) as follows:

~~103.16(3) Agencies shall ensure that their flexible fuel vehicles that are capable of operating on 85 percent ethanol (E85) use E85 fuel whenever an E85 fueling facility is available to the driver when fuel is needed. E85 fuel may be procured at a retail establishment if a state fueling facility is not readily available. If an E85 facility is not readily available, the driver shall not completely fill the tank with fuel when a lesser quantity will be adequate to complete the trip to an E85 fueling site. A brightly colored, highly visible renewable fuel sticker shall be affixed to a motor vehicle for which a qualified renewable fuel is compatible with the motor vehicle's normal operation. The department shall distribute the stickers to state agencies maintaining a state motor pool. A qualified renewable fuel sticker is not required to be affixed to an unmarked motor vehicle used for purposes of providing law enforcement or security.~~

ITEM 15. Amend subrule 103.16(4) as follows:

~~103.16(4) Agencies shall ensure that their diesel vehicles operate on biodiesel blends whenever the blends are available. It is also recommended that biodiesel blends be used within six months of purchase to ensure that the quality of the fuel is maintained. As part of the department's competitive bidding procedure for the purchase of a motor vehicle operating using an internal combustion engine powered by diesel fuel, the director of the department shall require a bidder to certify that the motor vehicle's manufacturer expressly states that the engine is capable of being powered by the biodiesel blended fuel classified as B-20 or higher.~~

ITEM 16. Adopt the following new rule 11—103.17(8A):

11—103.17(8A) State fleet qualified renewable fuels compliance report. The department shall prepare a state fleet qualified renewable fuels compliance report that shall consolidate information compiled by the department in accordance with Iowa Code section 8A.369. The department shall submit the report to the governor and general assembly not later than March 1 of each year.

ITEM 17. Amend **11—Chapter 103**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 8A.104, ~~8A.361 to 8A.366, 80.9 and 801.4~~ and 8A.360 to 8A.369.